

July 14, 2022

Ed Washburn  
SVP Fleet Operations  
Pasha Hawaii  
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San Rafael, California 94903  
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Dear Ed Washburn:

The California Air Resources Board's (CARB) At Berth Regulation (Regulation) provides that applications for innovative concepts must contain, at a minimum, the specific information detailed under section 93130.17. The application your organization submitted on December 1, 2021, did not contain the minimum information identified by the Regulation and is therefore incomplete. Specifically, the following information was not included in the application as required in sections 93130.17 (a) and 93130.17 (b)(1)(A)-(I):

Concept 1 – On board wind power:

- 93130.17 (a)(2) – A discussion regarding how the proposed innovative concept reduces oxides of nitrogen (NO<sub>x</sub>), fine particulate matter that are 2.5 micrometers or less in diameter (PM 2.5), and reactive organic gas (ROG) emissions equivalent to or greater than the level that would have been achieved by the Control Measure, while not increasing greenhouse gasses (GHG).
- 93130.17 (a)(3) – A discussion regarding how the proposed innovative concept achieves emissions reductions of NO<sub>x</sub>, PM 2.5, and ROG that are in excess of other requirements.
- 93130.17 (a)(5) – A discussion regarding how the proposed innovative concept does not increase emissions at other ports or marine terminals.
- 93130.17 (a)(6) – A discussion regarding how the proposed innovative concept provides reductions that are in excess of business as usual in accordance with section 93130.17 (a)(6) and a discussion regarding how the proposed innovative concept provides reductions that are real, quantifiable, verifiable, and enforceable in accordance with section 93130.17 (a)(6) (A) through (D).
- 93130.17 (a)(7) – Information regarding how the innovative concept will have a compliance period no greater than five years and comply with all portions of section 93130.17 (a)(7) (A) through (C).
- 93130.17 (a)(9) – A discussion regarding how visits made under the innovative concept will not be used for vessel incident events (VIE), terminal incident events (TIE), or the remediation fund.
- 93130.17 (a)(10) – A discussion regarding how reductions made during the proposed innovative concept compliance period will be used in the calendar year in which they are achieved or the following calendar year.

- 93130.17 (a)(11) – A discussion regarding the possibility for early reductions under the innovative concept.
- 93130.17 (a)(13) – An explanation of how the applicant will maintain records including information regarding, but not limited to, fuel usage, routes, port calls, maintenance procedures, and emissions test results in a manner which complies with section 93130.17 (a)(13).
- 93130.17 (a)(14) – A statement of understanding that vessel operators and terminal operators intending to use the innovative concept shall comply with the provisions of this section, including the emission limits in sections 93130.7 and 93130.9 of this Control Measure prior to such approval.
- 93130.17 (a)(15) – A timeline showing how the innovative concept will be implementable within the timeframe needed to be used for compliance with this Control Measure, including any time needed for environmental review (if applicable).
- 93130.17 (b)(1)(C) – An estimate of the vessel emissions planned to be covered under the innovative concept for each pollutant NO<sub>x</sub>, PM 2.5, and ROG by multiplying the emission factor for a pollutant found in section 93130.5(d) of this Control Measure by the expected number of vessel visits, average visit duration, and expected power used during an average visit.
- 93130.17 (b)(1)(D) – The proposed recordkeeping, reporting, monitoring, and testing procedures that the applicant plans to use to demonstrate reductions.
- 93130.17 (b)(1)(E) – Information regarding any Memorandum of Understanding or similar agreement between the applicant, any funding partners (if more than one entity is providing funding), owners and operators of controlled equipment for the innovative concept that shows agreement regarding the innovative concept's scope and requirements for using the innovative concept in compliance with this Control Measure. If this doesn't apply, please specify. If it is applicable, indicate if the Memorandum of Understanding or similar agreement was approved by the Executive Officer and in place prior to the start date of the innovative concept compliance period.
- 93130.17 (b)(1)(H) – A discussion regarding any environmental review requirements that may apply to the proposed innovative concept, including identification of which agency would serve as the lead agency for environmental review purposes
- 93130.17 (b)(1)(I) - Any information necessary to demonstrate that the proposed innovative concept meets all eligibility and applicability requirements in subsection 93130.17(a).

Concept 2 – ECCS for steam propulsion:

- 93130.17 (a)(2) – A discussion regarding how the proposed innovative concept reduces NO<sub>x</sub>, PM 2.5, and ROG emissions equivalent to or greater than the level that would have been achieved by the Control Measure, while not increasing GHG.
- 93130.17 (a)(3) – A discussion regarding how the proposed innovative concept achieves emissions reductions of NO<sub>x</sub>, PM 2.5, and ROG that are in excess of other requirements.

- 93130.17 (a)(5) – A discussion regarding how the proposed innovative concept does not increase emissions at other ports or marine terminals.
- 93130.17 (a)(6) – A discussion regarding how the proposed innovative concept provides reductions that are in excess of business as usual in accordance with section 93130.17 (a)(6) and a discussion regarding how the proposed innovative concept provides reductions that are real, quantifiable, verifiable, and enforceable in accordance with section 93130.17 (a)(6) (A) through (D).
- 93130.17 (a)(7) – Information regarding how the innovative concept will have a compliance period no greater than five years and comply with all portions of section 93130.17 (a)(7) (A) through (C).
- 93130.17 (a)(9) – A discussion regarding how visits made under the innovative concept will not be used for VIEs, TIEs, or the remediation fund.
- 93130.17 (a)(10) – A discussion regarding how reductions made during the proposed innovative concept compliance period will be used in the calendar year in which they are achieved or the following calendar year.
- 93130.17 (a)(11) – A discussion regarding the possibility for early reductions under the innovative concept.
- 93130.17 (a)(12) – A demonstration that the innovative concept is not funded with a public incentive program.
- 93130.17 (a)(13) – An explanation of how the applicant will maintain records including information regarding, but not limited to, fuel usage, routes, port calls, maintenance procedures, and emissions test results in a manner which complies with section 93130.17 (a)(13).
- 93130.17 (a)(14) – A statement of understanding that vessel operators and terminal operators intending to use the innovative concept shall comply with the provisions of this section, including the emission limits in sections 93130.7 and 93130.9 of this Control Measure prior to such approval.
- 93130.17 (a)(15) – A timeline showing how the innovative concept will be implementable within the timeframe needed to be used for compliance with this Control Measure, including any time needed for environmental review (if applicable).
- 93130.17 (b)(1)(C) – An estimate of the vessel emissions planned to be covered under the innovative concept for each pollutant NO<sub>x</sub>, PM 2.5, and ROG by multiplying the emission factor for a pollutant found in section 93130.5(d) of this Control Measure by the expected number of vessel visits, average visit duration, and expected power used during an average visit.
- 93130.17 (b)(1)(D) – The proposed recordkeeping, reporting, monitoring, and testing procedures that the applicant plans to use to demonstrate reductions.
- 93130.17 (b)(1)(E) – Information regarding any Memorandum of Understanding or similar agreement between the applicant, any funding partners (if more than one entity is providing funding), owners and operators of controlled equipment for the innovative concept that shows agreement regarding the innovative concept's scope and requirements for using the innovative concept in compliance with this Control Measure. If this doesn't apply, please specify. If it is applicable, indicate if the Memorandum of Understanding or similar agreement was approved by the Executive

Officer and in place prior to the start date of the innovative concept compliance period.

- 93130.17 (b)(1)(F) – The proposed length of time during which the innovative concept would be used (up to five years, as specified in subsection 93130.17(a)(8) of this Control Measure), as well as the number and duration of any anticipated time extension requests as set forth in that same subsection.
- 93130.17 (b)(1)(G) – A summary of governmental approvals necessary to enable development of the innovative concept.
- 93130.17 (b)(1)(H) – A discussion regarding any environmental review requirements that may apply to the proposed innovative concept, including identification of which agency would serve as the lead agency for environmental review purposes.
- 93130.17 (b)(1)(I) - Any information necessary to demonstrate that the proposed innovative concept meets all eligibility and applicability requirements in subsection 93130.17(a).

Incomplete applications must be corrected and re-submitted in complete form before they can be fully evaluated by CARB staff. This letter identifies the sections that were missing or incomplete. While your application may contain information for the sections not listed above, this does not mean that the application contains all the required information for those sections, or that Innovative Concept satisfies all the criteria set forth in those sections. CARB staff strongly recommends that the applicant review all the required sections to ensure that the required information as indicated by sections 93130.17 (a) and 93130.17 (b)(1)(A)-(I) are provided. The public docket for this application opened on May 18, 2022 and was open for public comments through July 5, 2022.

Applicants will have until August 19, 2022, to respond to all public comments and submit a complete application for CARB review following section 93130.17 (b)(1)(A)-(I). For more information, please visit CARB's [At Berth Regulation Innovative Concept Applications](#) website and [Ocean-Going Vessels At Berth Regulation](#) website.

For any questions regarding the innovative concept applications and public process, or if you would like to discuss your application, please contact Jeff Jacobs, Air Resources Engineer, Marine Strategies Section, at [Jeff.Jacobs@arb.ca.gov](mailto:Jeff.Jacobs@arb.ca.gov).

Sincerely,



Bonnie Soriano, Branch Chief, Freight Activity Branch

cc: Jeff Jacobs, Air Resources Engineer, Marine Strategies Section